

STATEMENT OF CONSIDERATION RELATING TO  
907 KAR 20:050

Department for Medicaid Services  
Amended After Comments

(1) A public hearing regarding 907 KAR 20:050 was not requested and; therefore, not held.

(2) The following individuals submitted written comments regarding 907 KAR 20:050:

<u>Name and Title</u>	<u>Organization/Agency/Other Entity</u>
Kathy Adams, Director of Public Policy	Children's Alliance
Teresa C. James, Commissioner	Department for Community Based Services (DCBS)

(3) The following individual from the promulgating agency responded to comments received regarding 907 KAR 20:050:

<u>Name and Title</u>	<u>Organization/Agency/Other Entity</u>
Stuart Owen, Regulation Coordinator	Department for Medicaid Services

SUMMARY OF COMMENTS AND AGENCY'S RESPONSES

(1) Subject: Federal Poverty Level Percent Limit for Pregnant Women

(a) Comment: Teresa C. James, Commissioner of the Department for Community Based Services stated the following:

"Section 1(2)(a)1c states that a pregnant woman's income limit is up to 185 percent of the federal poverty level; however, DMS has advised DCBS that the income limit is 195 percent of the federal poverty level for pregnant women. The system also calculates up to 195 percent.

There are other instances throughout these administrative regulations filed on September 30<sup>th</sup> that 185 percent of the federal poverty level is indicated as the income limit for pregnant women. These other instances appear to also require correction."

(b) Response: Via an "amended after comments" administrative regulation, DMS is eliminating the descriptive language in particular section by referring to the relevant administrative regulation governing the subject – 907 KAR 20:100 (Modified Adjusted Gross Income eligibility standards) – however, DMS is correcting the eligibility income

threshold to 195 percent of the federal poverty level as recommended in Section 3(1)(c) of this administrative regulation.

(2) Subject: Grammatical Suggestions

(a) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

"Page 3, Line 7: Recommend adding the words 'made by' after the words 'shall be' for clarification purposes so that it reads, '.....shall be made by an inpatient hospital participating.....'"

(b) Response: The Legislative Research Commission's Regulations Compiler corrected this via a technical amendment.

(c) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

Page 6, Line 16: Recommend adding 's' to the word 'gain' so that it reads, 'For a woman who gains presumptive eligibility....'"

(d) Response: The Legislative Research Commission's Regulations Compiler corrected this via a technical amendment.

SUMMARY OF STATEMENT OF CONSIDERATION  
AND  
ACTION TAKEN BY PROMULGATING ADMINISTRATIVE BODY

The Department for Medicaid Services (DMS) has considered the comments received regarding 907 KAR 20:050 and is amending the administrative regulation as follows:

Page 3

Section 1(2) Section 1(2)(a)

Line 10

After "be", insert "as established in".

Delete the following:

:

(a) An individual:

1. Who is:

a. A child under the age of nineteen (19) years, excluding children in foster care;

b. A caretaker relative with income up to 133 percent of the federal poverty level;

c. A pregnant woman, with income up to 185 percent of the federal poverty level, including the postpartum period up to sixty (60) days after delivery;

d. An adult under age sixty-five (65) with income up to 133 percent of the federal

poverty level who:

(i) Does not have a dependent child under the age of nineteen (19) years; and

(ii) Is not otherwise eligible for Medicaid benefits; or

e. A targeted low-income child with income up to 150 percent of the federal poverty level; and

(b) In accordance with

Page 4

Section 3(1)(c)

Line 21

After “exceeding”, insert “195”.

Delete “185”.

Page 6

Section 4(2)(b)

Line 8

After “of the”, delete “second”.

Page 6

Section 4(3)

Line 15

Insert “August 31”.

Delete “September 30”.